

Minutes of Meeting
Washington State Board of Optometry

A meeting of the Washington State Board of Optometry was called to order at 10:10 a.m., on Friday, September 17, 2004, by Jeffrey Sutro, O.D., Vice-Chair. The meeting was held in the Lower Terrace Room, at the Red Lion Hotel, Yakima Center, 607 East Yakima Avenue, Yakima Washington.

BOARD MEMBERS PRESENT: Jeffrey Sutro, Vice-Chair O.D.
Lund Chin, O.D.
Ben Wong, Jr., O.D.
R. Richard Ryan, O.D.
Mary Lou Staples, Public Member

STAFF PRESENT: Steven Saxe, Executive Director
Gail Yu, Assistant Attorney General
Kristi Weeks, Staff Attorney
Judy Haenke, Program Manager
Dodie Needham-Crake, Administrative Assistant

OTHERS PRESENT: Byron Thomas, O.D.

ORDER OF AGENDA

1. CALL TO ORDER

1.1 Approval of Agenda

The agenda was approved with the following change:

Item 6: Review of Continuing Education Courses was moved from 11:30 a.m. to 1:30 p.m.

1.2 Approval of Minutes of June 4, 2004 meeting.

The minutes were approved as written.

1.3 Report from Board Chair

In the absence of Thomas Riley, O.D., the following Board report was provided by Jeffrey Sutro, O.D., Vice-Chair.

Farewell to Dr. Wong:

This is the last meeting for Dr. Ben Wong Jr. Dr. Wong was first appointed to the Board in October of 1998. Dr. Sutro thanked Dr. Wong on behalf of the Board for his strong and consistent support and presented Dr. Wong a plaque for his service.

Kristi Weeks, Staff Attorney with the Department of Health is present. Welcome. At the December meeting, Kristi will be presenting an overview of the disciplinary process with emphasis on the Board's role as case managers through the hearing process.

Welcome to Dodie Needham-Crake:

Dr. Sutro introduced Dodie Needham-Crake to the Board. Dodie was employed by the Department of Health Beginning July 1, 2004. She has a strong administrative background and has already become acquainted with most of the members of the Board.

Welcome to Mariann Tonder, O.D.: Dr. Mariann Tonder has been appointed to fill the position held by Dr. Wong. Dr. Tonder is a graduate of Southern California College of Optometry and currently practices at Poulsbo Eyecare

ORAL CERTIFICATION:

Since Board rules became effective in July, 378 qualified licensees have been issued certification for oral prescriptive authority. All but three also completed the epinephrine certification training. Due to epinephrine certification not being uniformly taught at the various optometric training institutions in the manner required by our state's rules, this may be taught as a regular component of future Kane Hall seminars.

The Board will continue to focus on oral prescribing authority by offering on-going continuing education courses as part of its annual post-graduate seminar and to monitor new medication or families of medication as they may be approved for use and are within the scope of practice for optometry.

ASPIRE: BLUEPRINT FOR THE FUTURE

The Department of Health conference for all Boards, Commissions, and Committees Member Conference will be held October 29, 2004 from 8:00 to 4:00 p.m. at the Department of Health, Kent Office. Dr. Sutro encouraged all Board members who have not yet attended one of these conferences to include it in their schedule at some point.

2. INTRODUCTION OF STEVEN SAXE, EXECUTIVE DIRECTOR

Jeff Sutro, O.D. introduced Steven Saxe, Executive Director who joined the Department of Health as Executive Director of Health Professions Section Four to fill the vacancy created by the retirement of Donald Williams. Mr. Saxe, a licensed pharmacist, is a graduate of Washington State University. Mr. Saxe was with Good Samaritan Hospital in Tacoma since 1991, before coming to the Department of Health in June of this year.

Mr. Saxe provided an overview of the planned centralization at Health Professions Quality Assurance Division. The plan calls for consolidation of all investigative and legal services into a single unit and profession re-alignment where possible to assure adequate resources to support the work of all the professions.

3. **UPDATE ON LEGISLATION**

Steve Saxe outlined the legislative approach of the Department of Health, Health Professions Quality Assurance for 2005, which focuses on disciplinary process improvements. Tentative proposals could include:

- Encourage hospital reporting of practitioners to improve accountability
 - Work with HSQA Office of Facilities & Services Licensing to:
 - Increase hospital fines for non-reporting
 - Require additional information in hospital adverse event reports.
- Separate (bifurcate) UDA findings of violations from sanctions to improve accountability and sanction consistency
 - Applicable at formal hearings
 - Separately review evidence of past conduct as a consideration in determining sanctions
- Fast Track discipline when there is non-compliance with current orders

4. **OPTOMETRY BOARD SEMINAR MARCH 2005**

Seminar Chair, R. Richard Ryan, O.D. advised of potential speakers as follows:
Saturday, March 19, 2005

Peggy S. Achenbach, O.D.

One Hour: Trifocal GP's: The BEST Solution

Two Hours: Your Pregnant Patient

One Hour: Ophthalmic Medications in Pediatrics

Jason Jones, O.D., M.D.

One Hour: Macular Edema – Treatment and diagnosis

Steve Laukaitis, M.D.

Two Hours: Ocular and Facial Dermatology

Audrey Talley-Rostov, M.D.

One Hour: Corneal Disease

Michael Field, M.D.

One Hour: Glaucoma

Kathy Williams, O.D. and Brett Bence, O.D.

One Hour: Systemic Medicines in a Busy Optometric Practice

5. **RULES HEARING – WAC 246-851-170**

The purpose of this hearing is to solicit comments for the proposed amended rule. This proposal was filed in the Washington State Register as #04-15-153. The proposal was filed with the Code Reviser on July 21, 2004.

The proposed rule allows for up to ten credit hours for reports on professional optometric literature and twenty-five credit hours for preprogrammed educational materials in any two-year reporting period. The combined total of the reports and preprogrammed materials per reporting period cannot exceed twenty-five credit hours. The proposed rule does not add additional continuing education requirements for licensees. It does not repeal continuing education course categories. The proposed rule amends the maximum number of hours that can be obtained in the reports on professional literature and preprogrammed educational materials categories from 45 to 25. There was no written or oral testimony presented.

The Board voted unanimously to adopt amended WAC 246-851-170. Staff will file the CR 103 for final adoption.

6. REVIEW OF CONTINUING EDUCATION COURSES

6.1 Thomas Riley, O.D., via telephone conference, presented continuing education courses that were submitted for the Board's consideration since the June 4, 2004, meeting. The Board approved the following courses:

Association for Research in Vision & Ophthalmology - Approved for two hours.

Evaluation & Management of Strabismus & Amblyopia
Evaluation & Management of Visual Information Acquisition Problems
Evaluation & Management of Visual Information Processing Problems
Optometric Management of Patients with Acquired Brain Injury
Visual & Human Development in Infant & Child - Approved for 70 hours

Great Western Council of Optometry: New Products and Technology Symposium – Approved for one hour.

Spokane Eye Clinic 2004 Fall Ophthalmology workshop – Approved for four hours.

Northwest Eye Surgeons:
Post Operative Management of Cataract Patient
Microphacoemulsification
Refractive Surgery Update & New Technologies
Ultra high frequency imaging for glaucoma & Microcannulation of Schlemm's Canal in Glaucoma Surgery - Approved for four hours.

Mitch Maier, O.D., Lesion Masquerades as AMD Finding; was approved for four credits for the published article in the: Review of Optometry, April 2004.

Puget Sound Vision Therapy Forum – Approved for five hours.

Dr. Bruce Cameron entitled: Nerve fiber layer and optic nerve imaging in glaucoma - Approved for one hour.

What's New in Oculoplastics - Approved for two hours.

Pacific Cataract and Laser Institute:

CrystaLens: Accommodating IOL;

You Want Perfection..Now?;

RS Update Cataract Co-management: for Primary Care - Approved for four hours.

Pacific Cataract and Laser Institute:

CrystaLens: Intro Accom IOL/Presbyopia - The surgical option;

Precision LASIK Correction - Approved for four hours.

Pacific Cataract and Laser Institute:

Clinical update from NEI;

Surgical Uses of Tisseel Imaging for ocular disease and Culturing Techniques; - Approved for four hours.

The course entitled Guidelines for Glaucoma Referrals was approved for one credit.

The course entitled Phase II-EpicCare Rollout online training for GHC was approved for four credits.

The course entitled National Optometric Association Continuing Professional Education was approved for 12 credits.

Teaching basic eye care to medical students in Romania was approved for 1.5 credits.

The Workshop on Optical Coherence Tomography and its clinical application in Macular Disease and Glaucoma was approved for two credits.

The course entitled Realeyes: Students Realizing the Need for Comprehensive Eye Care was approved for two credits.

The course entitled Breakthrough approaches for improving adrenal and thyroid function was not approved pending receipt of a complete outline.

School Nurse Symposium was not approved because the content was not optometry related.

The course entitled How to have 100 birthdays was not approved pending receipt of a complete outline.

6.2 Selection of reviewer for the next quarter.

Mary Lou Staples will review continuing education courses through the December 3, 2004, regular meeting of the Board. R. Richard Ryan, O.D., will provide backup.

7. FAIRNESS TO CONTACT LENS CONSUMER ACT (FCLCA)

7.1 The Board discussed recent federal requirements related to the release of contact lens prescription information to sellers of contact lenses. Assistant Attorney General Advisor, Gail Yu, advised the Board that it may need to consider adoption of Board rules based on the requirements in the federal statute and rules. Staff will file a CR 101, to initiate the rules process.

7.2 The Board considered an analysis of the FCLCA written by Dr. R. Richard Ryan for placement on the Optometry Board Web Page. Assistant Attorney General, Gail Yu, recommended that the analysis be further reviewed and placement on the Web Page be postponed until later in the rules process.

8. TIER LICENSING IN WASHINGTON

Discussion of the status of tier licensing for Washington optometrists. The Board stressed its concern over the possible confusion to patients due to multiple levels of licensure. The Board had submitted a proposal for 2005 Department of Health legislation for a uniform level of licensure. The Department plans to propose legislation primarily focused on the disciplinary process. Therefore, it was determined that the proposal would not be included in the proposed legislative package for the Department in 2005. The Board agreed to continue to pursue legislation for a uniform level of licensure.

9. ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY ANNUAL MEETING

Jeffrey Sutro, O.D., reported on the June 20-22, 2004, Annual Meeting held in Orlando Florida. Items of discussion included an update on the National Board Examination, continuing competency, tier licensing, contact lenses and licensure mobility for optometrists.

10. BUDGET REPORT

The Board considered revenue and expenditures for the month of July 2004.

CLOSED SESSION

11. REVIEW OF LICENSING APPLICATIONS

The Board reviewed two applications.

12. DISCIPLINARY CASE REVIEW

The Board considered one complaint of unlicensed practice.

ADJOURNMENT

Respectfully Submitted: _____

Approved: _____

The meeting was adjourned at 4:30 p.m.

OPEN FORUM

The Board will meet with local area optometrists to discuss areas of common interest.

BOARD MEMBERS PRESENT: R. Richard Ryan, O.D.
Mary Lou Staples

STAFF PRESENT: Steve Saxe, Executive Director
Judy Haenke, Program Manager

OTHERS PRESENT: Jack R. Hale, O.D.
Donald Shute, O.D.
Roy Hinze, O.D.

R. Richard Ryan, O.D. provided an update on Board appointments, staff changes and the status of oral certification of licensees.

The following topics were discussed:

Jack R. Hale, O.D., presented a Resolution to the Washington State Board of Optometry by the Yakima Valley Society of Optometric Physicians recommending that the Board act as quickly as judiciously possible to require that all doctors of optometry practicing in the State of Washington are licensed at the highest level of practice allowed by state law. The Resolution will be presented to the Board for discussion at its next regular meeting on December 3, 2004.

Concern was raised that there may be instances of misuse of prescription drugs. It was suggested that the annual Board seminar be a vehicle to educate practitioners on the inherent dangers.

Dr. Roy Hinze questioned the process by which continuing education audits are conducted. Dr. Hinze did not receive notice of audit of his continuing education activities until six months after his renewal date. It was pointed out that the administrative rules require that practitioners must keep records for four years documenting attendance description of learning.

Jack Hale, O.D. asked about a state program that pays the liability insurance for retired practitioners who keep their licenses current, but who performed only volunteer service. Staff will research the availability of the program.

The Federal Contact Lens Consumer Act was discussed. An area of concern raised by the Act is the problem created when an optician does not forward the final fitting information to the prescriber. This issue may be addressed during the rules development process.

Dr. Jack Hale recommended that the Administrative Procedures Act, RCW 34.05 be included in the Optometry Law Booklet.

The Public Forum adjourned at 6:35 p.m.